

Central Intelligence Agency

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Washington D.C. 20505

12 MAR 1986

OCA 86-0691/2

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

I write in response to the requests by the Office of Management and Budget for the comments of the Central Intelligence Agency on: 1) the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986", as "reported" by the House Foreign Affairs Committee and currently under consideration for possible House floor action within the next few days under suspension of the rules; and, 2) the Administration's floor position thereon.

Please be advised that the Agency is very strongly opposed to the bill in its current form and to the Administration's floor position insofar as that position does not oppose consideration of the measure under suspension of the rules and indicates further that the Administration supports passage with reservations to be dealt with in the Senate.

Let me begin by noting that the Agency has concerns about Sections 504 and 508 of the bill, the sections which deal, respectively, with anti-terrorism coordination mechanisms and restrictions on dealings by United States persons with certain designated terrorist countries. I will not address them here in detail, [REDACTED]

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[REDACTED]

[REDACTED] Detailed discussion of these problems cannot be set forth in an unclassified communication. Essentially, the solutions have failed to take into account the very unique environment in which the Agency operates overseas and its need for primacy in dealing with its personnel, equipment, communications and operational oversight in order that it can protect sensitive intelligence sources and methods in that environment. In fact, early legislation on this subject, H.R. 3946, presented a great number of these very problems and, as such, was opposed by the Agency.

It was because of these concerns that the Agency participated, from its inception, in the Administration's effort to fashion a legislative package which effectively dealt with the problem of diplomatic security while, at the same time, avoided intruding upon the Agency's concerns. As you know, after extensive negotiations within the Administration, a carefully drafted package was prepared, with input from all concerned parties, including the Agency. That package adequately protected the interests of the Agency. Upon its transmission to the Congress by the Department of State, this package was introduced by Representatives Mica and Snowe as H.R. 4151. It was the Agency's understanding that the Administration would work to insure that it was this package which was adopted by the Congress.

The "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986" bears a close resemblance not to the Administration proposal but to the original, objectionable H.R. 3946. It fails to take into account several key provisions of the Administration proposal. Further, it contains a number of provisions, most especially Sections 103, 105, 106, 302, 303 and 304 to which the Agency had objected in the early stages of coordination on the Administration package and which, for that reason, had been modified. By failing to include in the bill the modifications for which the Agency had pressed in the Administration proposal and including these objectionable sections, the bill runs directly contrary to the concerns noted above. As such, the bill as currently drafted jeopardizes the Agency's ability to operate overseas with the independence needed to protect its intelligence sources and methods from unauthorized disclosure and its ability to collect intelligence in the future.

The Agency recognizes the need for legislation on diplomatic security and fully supports the Administration proposal. It cannot, however, support the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986" in its present form

nor can it support the Administration's accession to consideration of the bill under suspension of the rules, a mechanism which does not allow opportunity for these important considerations to be addressed.

Time constraints do not permit a more detailed discussion of the matter. Agency representatives would be most willing, however, to work with you and other Executive Branch representatives as well as with the Congress to insure that our concerns are adequately addressed in the normal legislative process focused, hopefully, on the Administration proposal. To this end, the Agency appreciates the efforts of the Department of State and others who have indicated they will attempt to have these concerns addressed within the very limited scope for action which remains before the full House takes up the bill. We support their efforts and hope that they come to fruition. Nonetheless, they do not change our underlying objection to the bill or to its consideration under suspension of the rules.

The Agency intends to pursue vigorously its concerns when the Senate takes up this legislation. We will work to insure that the Senate has an opportunity to address our concerns in a meaningful way and that Agency representatives are included in all stages of discussions with the Congress on the legislation.

We appreciate the opportunity to comment on this important piece of legislation.



David D. Gries
Director, Office of Congressional Affairs

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cc: Ken DeGraffenreid, National Security Council
Vince Cannistraro, National Security Council
Lynn Sachs, National Security Council
Mark Johnson, Department of State
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